

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JONATHON H. BEDFORD,

Plaintiff,

v.

NEIGHBORHOOD CONNECTIONS,

Defendant.

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ORDER

04-C-0978-C

A hearing was held in this case on June 3, 2005, on the court's order to plaintiff Jonathon H. Bedford to show cause, if any, why sanctions should not be imposed on him for his filing of what appeared to be an altered copy of a complaint filed with the Equal Rights Division of the Wisconsin Department of Workforce Development. Plaintiff was present in person; defendant was represented by Catherine Cetrangolo.

Plaintiff maintained his position that the apparently altered copy was an accurate copy of the actual complaint he had filed on July 25, 2003. (The apparently altered copy shows check marks in boxes indicating that plaintiff was alleging discrimination based on race, sex, disability (alcoholism), creed (Christian) and honesty testing as well as firing based on the employer's belief that plaintiff was going to file a labor standard complaint. The copy

of the complaint certified by the Department of Workforce development is a complaint filed on the same day (July 25, 2003) showing check marks in only two boxes: discrimination on the basis of sex and race.). The only evidence plaintiff presented at the hearing to support his position were (1) a copy of a letter from Equal Rights Officer Imelda Cadena, dated July 15, 2003, telling plaintiff that additional information was necessary in order to process his file; (2) a copy of the apparently altered complaint; and (3) his own testimony that the challenged report had been provided him by the Equal Rights Division.

Defendant presented evidence that at a hearing on plaintiff's complaint held on June 10, 2004, the administrative law judge read to plaintiff from a complaint filed on July 25, 2003 that had check marks in only two boxes, those for race and sex. According to the transcript of the hearing, the administrative law judge said,

I'm looking at the original complaint here that was filed on July 25, 2003. It has check marks in two boxes, and in item 3 Check only the boxes that were the reason for discrimination, one is race, which is black, and the other is sex, which is male. There is a block for creed (religion), which is not checked, and I don't believe there was any amendment that was filed to the complaint alleging discrimination on the basis of creed or religion.

The administrative law judge added that the Equal Rights Division investigator did not discuss religious discrimination as something he had investigated or mention religion as an issue when he found no probable cause to believe that discrimination had occurred. Plaintiff did not object to the administrative law judge's statements and did not assert that

he must have been looking at the wrong complaint because the one he had filed had listed six reasons for discrimination. When the administrative law judge told him that it was too late to amend the complaint to add a claim of religious discrimination, plaintiff merely said “okay.”

It defies belief to think that plaintiff’s copy of his Equal Rights complaint with the four additional check marks is an accurate copy of any filing he made in 2003. The copy of the same date certified by the department shows only two check marks although it is identical in every other respect to plaintiff’s copy. The copy before the administrative law judge at the 2004 hearing showed only the two check marks for race and sex discrimination. Plaintiff has no certification from the department to show that his altered copy corresponds to anything on file in the department; in fact, the certification defendant provided says explicitly that no other documents were found. I find that plaintiff’s copy of his Equal Rights complaint is not a true and accurate copy of the complaint that plaintiff filed with the division on July 25, 2003.

Having made this finding, I will dismiss on the court’s own motion any claims of discrimination other than those based on race and sex because plaintiff never exhausted his administrative remedies as to those claims. In addition, because plaintiff’s submission of an inaccurate copy of his complaint caused defendant to incur expenses that a small, uninsured non-profit agency can ill afford, I will require plaintiff to pay defendant \$350.00 toward

those expenses before this litigation may continue. Plaintiff will have until July 8, 2005, in which to make the payment to defendant. If he does not do so by that time, this case will be dismissed.

(Before this order issued, plaintiff filed a motion for reconsideration, essentially re-arguing his position that the copy of his complaint was an accurate one and that he was telling the truth. His re-argument is no more persuasive than his original argument.)

#### ORDER

IT IS ORDERED that plaintiff Jonathon H. Bedford's complaint against defendant Neighborhood Connections is DISMISSED with respect to all claims of discrimination or improper firing except his claims of discrimination based on race and sex. FURTHER, IT IS ORDERED that plaintiff is to pay defendant \$350.00 for costs reasonably expended by defendant in challenging plaintiff's alleged copy of the complaint he filed with the Equal Rights Division on July 25, 2003. If plaintiff fails to pay this amount to defendant by July 8, 2005, this case will be dismissed for plaintiff's failure to comply with the court's order. In the interim, all deadlines are suspended, including the deadline for defendant's motion

for summary judgment.

Entered this 6th day of June, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge